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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,600	06/02/2000	Shuji Ono	3562-0101P	6151

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EXAMINER

LONG, HEATHER R

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/586,600	Applicant(s) ONO, SHUJI	
	Examiner Heather R Long	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
4a) Of the above claim(s) 16-29 and 37-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-15 and 30-36 is/are rejected.
- 7) ☒ Claim(s) 5-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 and 30-36 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The disclosure is objected to because of the following informalities:
 - a. Page 5, line 8: change "first" to --second--.
 - b. Page 35, line 9: change "80" to --180--.
 - c. Page 36, lines 25 and 27: change "80" to --180--.
 - d. Page 37, lines 13 and 22: change "70" to --82--.
 - e. Page 37, line 28: change "80" to --180--.
 - f. Page 38, lines 18, 21, and 22: change "80" to --180--.
 - g. Page 44, line 10: change "80" to --180--.
 - h. Page 45, line 30: change "80" to --180--.
 - i. Page 49, line 49: change "206, 208, and 210" to --406, 408, and 410--.

Appropriate correction is required.

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: page 18, line 26: reference sign "74".
5. The drawings are objected to because:
 - a. Fig. 11: change reference sign "50" to -150--.
 - b. Fig. 12: change reference sign "50" to -150--.
 - c. Fig. 13: a line needs to be drawn from the "condition-storing unit" to the "extractor", which is supported in the disclosure and Fig. 14 (the extractor in Fig. 14 has a line coming in from reference sign "70").
 - d. Fig. 15: change reference sign "80" to -180--.
 - e. Fig. 19: change the reference sign indicating the step stop photographing after outputting the alarm signal in step S316 to S318.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1, 9, 11-13, 30, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawazoe (U.S. Patent 4,445,767).

Regarding claim 1, Kawazoe teaches a camera comprising: an image data input unit (taking lens 2) forming an image of a subject for photographing the subject (Fig. 1); a predetermined photographing condition relating to a characteristic feature (distance position, which determines whether or not the object is in or out of focus, therefore making the distance position a characteristic feature of the object) of an aimed object in the image of the subject (this limitation as recited only requires one of the photographing conditions); and a timing signal generator (focus control circuit 33) outputting a timing signal to capture an image when the subject satisfies the photographing condition (col. 6, lines 20-34). The condition storing unit storing the predetermined photographing condition is inherently taught.

Regarding claim **9**, Kawazoe teaches an image-pickup control unit (transistor 38) controlling the input unit for photographing the image based on the timing signal (col. 6, lines 20-33).

Regarding claim **11**, Kawazoe teaches a replaceable nonvolatile recording medium (film surface 7) (col. 1, line 35). Kawazoe teaches the recording of an image based on the timing signal (col. 1, lines 41-43).

Regarding claim **12**, Kawazoe teaches an alarm (LED) outputting an alarm signal for notifying that the subject satisfies the photographing condition based on the timing signal (col. 5, lines 2-6).

Regarding claim **13**, Kawazoe teaches a camera wherein the photographing condition includes a plurality of photographing conditions, and the camera further comprises a condition setting unit previously selecting at least one of the photographing conditions, for photographing the image, from among the plurality of photographing conditions (col. 5, line 55 – col. 6, line 34). It is inherent that the photographing conditions include a plurality of photographing conditions because the lens would have a certain depth of field that would include a plurality of distances within that depth of field. Furthermore, it is inherent that a condition setting unit previously selects the photographing conditions because depending on the position of the lens the depth of field will vary, therefore for each lens setting there will be a different depth of field and once the lens position is set then the depth of field is created wherein the subject must position itself to satisfy the in-focus state.

Regarding claims **30**, **33**, and **34**, these are method claims corresponding to the apparatus claim 1, 9, and 11. Therefore, claims 30, 33, and 34 are analyzed and rejected as previously discussed with respect to claims 1, 9, and 11.

Claim Rejections - 35 USC § 103

8. Claims 2-4, 14, 15, 31, 32, 35, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawazoe, as applied to claims 1 and 30 above, and in view of Yoshimura et al. (U.S. Patent 5,619,264).

Regarding claim **2**, Kawazoe teaches the apparatus of claim 1 (see above). Kawazoe teaches a predetermined photographing condition related to a desirable aimed object (moving object reaches a preset distance position to achieve an in-focus condition) and the timing signal generator outputs the timing signal when the aimed object satisfies the photographing condition (col. 2, lines 20-21). Kawazoe does not teach that the camera extracts data of the image. Yoshimura teaches an extractor (high pass filter 14) extracting data of an aimed object from the image of the subject (high frequency content related to the focus condition) based on an extracting condition (col. 1, lines 18-22, 30-41; col. 10, lines 56-64). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an electronic digital camera taught by Yoshimura in the apparatus of Kawazoe to make a digital camera that extracts high frequency data of an image to evaluate a predetermined photographing

condition and that outputs a timing signal when the data satisfies the photographing condition. One of ordinary skill in the art would have been motivated to make such a modification to achieve an in-focus condition in an electronic camera.

Regarding claim **3**, Kawazoe in view of Yoshimura teaches that data related to focusing is extracted, which reads on depth information indicating the distance to each part of the subject (Yoshimura: col. 1, lines 18-22, 30-41; col. 10, lines 56-64).

Regarding claim **4**, Kawazoe teaches the detection of data of a judgement location (data at a preset distance position) from the data of the aimed object in the image, the photographing condition includes a predetermined photographing condition (in-focus condition) related to a desirable judgement location (preset distance position), the timing signal generator outputting the timing signal when the judgement location satisfies the photographing condition (col. 6, lines 20-23). Kawazoe does not teach a detecting condition different from the extracting condition. Yoshimura teaches the detection of data of the aimed object based on a detecting condition different from the extracting condition (speed at which object is moving) (col. 9, lines 20-25 and 42-47; col. 10, lines 11-32 and 43-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to extract movement information as well as focus information so that the size of the distance measuring area is selected in accordance with the

Art Unit: 2615

object's amount of movement, thus making the in-focus measurement more accurate.

Regarding claim **14**, Kawazoe in view of Yoshimura teach an input condition for inputting the image based on information of the judgement location (achieving an in-focus condition in accordance with how fast the object is moving at the preset distance position). See above. Kawazoe teaches that an image-forming control unit controls an input unit for forming the image of the subject based on the input condition (image captured once in-focus condition attained) (col. 6, lines 20-23).

Regarding claim **15**, Yoshimura teaches that information of the judgement location (size of the distance measuring area) is used to process the high frequency components of the image (col. 9, lines 20-25 and 42-47; col. 10, lines 11-32 and 43-55). The image processing unit is inherently taught.

Regarding claims **31**, **32**, **35**, and **36**, these are method claims corresponding to the apparatus claim 2, 4, 14, and 15. Therefore, claims 31, 32, 35, and 36 are analyzed and rejected as previously discussed with respect to claims 2, 4, 14, and 15.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawazoe as applied to claim 1 above, and further in view of Uematsu (U.S. Patent 5,946,506).

Regarding claim **10**, Kawazoe teaches all the subject matter as discussed with claim 1, except an illuminator illuminating the subject based on the timing

signal. Uematsu teaches that the flash unit (20) is flashed simultaneously with shutter release, which reads on an illuminator illuminating the subject based on the timing signal (col. 5, lines 44-47). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the flash unit of Uematsu in the apparatus of Kawazoe to make an apparatus that illuminates a subject during image capture. One of ordinary skill in the art would have been motivated to make such a modification to assure that the image is adequately illuminated to obtain a high quality picture.

Allowable Subject Matter

10. Claims 5-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach a camera comprising: an image data input unit forming an image of a subject for photographing the subject; an extractor extracting data of a plurality of the aimed objects from the image; a condition storing unit storing a predetermined photographing condition related to a desirable subject; and a timing signal generator outputting a timing signal when the plurality of aimed objects satisfy the photographing condition.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Heather R Long
Examiner
Art Unit 2615

HRL
December 21, 2004


TUAN HO
PRIMARY EXAMINER